

REMARKS

These remarks and the accompanying amendments are responsive to the Office Action mailed June 18, 2004, having a shortened statutory period for response that expires today, September 20, 2004 (hereinafter referred to as "the Office Action"). Claims 1-19 were pending at the time of the last examination. By this response, Claims 1-3, 5 are amended, Claims 6-8, 11 and 17-19 are cancelled, and Claims 20-26 are added. Accordingly, upon entry of these amendments, Claims 1-5, 9, 10, 12-16 and 20-26 will be pending for further consideration.

Support for the amendments

The "interface means" or "interfacing step" in Claims 3, 10 and 14 has been added to further clarify the configuration of embodiments of the invention, and is supported by the specification in Figures 4, 7, 8 and 9 as well as their corresponding descriptions. Furthermore, the "communication type determining means" or "step of determining a communication type" in Claims 1, 3, 10, 12 and 14 has likewise been added to further clarify the configuration of embodiments of the invention, and is supported by the specification, for example, from line 8 of page 9 to line 6 of page 10, and from line 15 of page 11 to line 10 of page 12. In conjunction with this modification, the Claims 2, 5, and 13 have been amended, and new Claims 20, 23 and 24 have been added. New claims 21, 22, 25 and 26 are supported by the specification, for example, from line 16 to line 20 of page 20.

35 U.S.C. 102(e) Rejection

The Office Action rejects Claims 3, 6, 10-11 and 14 under 35 U.S.C. 102(e) as being anticipated by WO Publication No.: 98/51108 (hereinafter referred to as "Irvin"). Claim 11 is cancelled, and thus the rejection is moot with respect to Claim 11.

As the Office Action states, Irvin teaches a mobile radio telephone which includes power control logic to limit the maximum transmit power of the mobile telephone when it is operated in a hand-held mode, i.e. when the mobile telephone is not inserted into a cradle in a vehicle or connected to a docking station having an external power source (see e.g., Irvin, page 9, lines 6-7).

However, Irvin does not teach the power control logic which changes the maximum transmit power in accordance with a communication type (e. g. voice or moving picture communication). The Irvin's power control logic merely limits the maximum transmit power when no external power source is available.

In contrast, Claims 3 and 10 recite, *inter alia*, a "communication type determining means for determining a communication type of the mobile phone in connection with said external device" and a "transmission power limit setting means for setting a transmission power limit based on said communication type". Accordingly, Claims 3 and 10 (as amended) are not anticipated by Irvin. Claim 6 is dependent from Claim 3 and thus is not anticipated by Irvin for at least the same reasons provided for Claim 3.

Also in contrast to Irvin, Claim 14 recites a step of "determining a communication type of the mobile station in connection with said external device" and a step of "setting a transmission power based on said communication type". As mentioned previously, these features are not described by Irvin. Accordingly, Claim 14 is likewise not anticipated by Irvin.

Therefore, the undersigned respectfully requests withdrawal of the 35 U.S.C. 102(e) rejection.

35 U.S.C. 103(a) Rejection

The Office Action also rejects Claims 1-2, 4-5, 7-9, 12-13 and 15-19 under 35 U.S.C. 103(a) as being unpatentable over Irvin in view of United States Publication No. : 2004/0,077,386 (hereinafter referred to as "Nagasawa"). As Claims 7, 8 and 17-19 are cancelled, the rejection is moot with respect to Claims 7, 8 and 17-19. However, the rejection remains with respect to Claims 1-2, 4-5, 9, 12-13, 15 and 16.

Nagasawa teaches a "folding/unfolding state detector" in order to automatically suspend a game operation upon detection of the main body being unfolded. However, neither Irvin nor Nagasawa, or even the combination thereof, teaches determining a communication type based on a shape of the mobile station.

Regarding Claims 1, 9, 12 and 14, neither Irvin nor Nagasawa, or even the combination thereof, teaches "determining a communication type based on a shape of the mobile station". Note that, in Nagasawa's specification, the unfolded/folded positions are not for different power consumption levels, but rather for the transition of a device operation from a game mode to a telephone mode. Accordingly, independent Claims 1, 9, 12 and 14 are not unpatentable over even the combination of Irvin and Nagasawa.¹

Claims 2, 13, 15 and 16 depended from one of Claims 1, 9, 12 and 14, and thus are not unpatentable over the combination of Irvin and Nagasawa for at least the reasons provided for their respective independent claim. Furthermore, Nagasawa does not disclose a communication type. Note that even though Nagasawa teaches of the "pocket game" and the "telephone", the "pocket game" is not disclosed as a type of communication. Therefore, Nagasawa does not teach

¹ Since even the combination of Irvin and Nagasawa do not teach or suggest all of the recited features, it is not necessary at this time to provide arguments against combination itself. This should not be construed as acquiescing the issue of combination. The Applicants reserve the right to argue against the combination of Irvin and Nagasawa should this become required by further Office Action.

or suggest setting the transmission power limit depending on the communication type as recited in Claims 2, 13 and 16.

Regarding Claims 4 and 15, at the least, neither Irvin nor Nagasawa, or even the combination thereof, teaches the respective inventive features of Claims 3 and 14 discussed above.

Therefore, the undersigned respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection.

Claims 20-26 are new and depend on one of Claims 3, 10 or 14, which are allowable for at least the reasons provided above. Accordingly, Claims 20-26 are likewise allowable.

Accordingly, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of September, 2004.

Respectfully submitted,



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